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INTERNATIONAL PRELIMINARY EXAMINATION REPORT
(PCT Article 36 and Rule 70)

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Applicant's or agent's file reference E 981	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/ES 02/00559	International filing date (day/month/year) 26.11.2002	Priority date (day/month/year) 06.02.2002
International Patent Classification (IPC) or both national classification and IPC B23Q7/04		
Applicant DANOBAT, S. COOP et al.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.
- ☒ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 1 sheets.

3. This report contains indications relating to the following items:
- I ☒ Basis of the opinion
 - II ☐ Priority
 - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - IV ☐ Lack of unity of invention
 - V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI ☐ Certain documents cited
 - VII ☐ Certain defects in the international application
 - VIII ☐ Certain observations on the international application

Date of submission of the demand 13.06.2003	Date of completion of this report 29.01.2004
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Müller, A Telephone No. +49-89 2399-7666 

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/ES 02/00559**

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-10 as originally filed

Claims, Numbers

3 as originally filed

1, 6 received on 16.01.2004 with letter of 15.01.2004

Drawings, Sheets

1/9-9/9 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☒ the claims, Nos.: 3
☐ the drawings, sheets:

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

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5. ☒ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

see separate sheet

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1,6
	No: Claims	
Inventive step (IS)	Yes: Claims	1,6
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1,6
	No: Claims	

2. Citations and explanations

see separate sheet

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/ES02/00559

Re Item I

Basis of the report

The amendments filed with the letter dated 15.01.2004 introduce subject-matter which extends beyond the content of the application as filed, contrary to Article 34(2)(b) PCT. The amendments concerned are the following:

The applicant has deleted the following features in claim 1:

- wherein on the upper part of the structure of the machine bench at least a trolley is situated,
- the trolley is situated in disposition of the mentioned manipulating device in rotary or tilting assembly on a support, which is situated in vertical moving assembly respect to the trolley, while the trolley itself is incorporated in transverse moving assembly on a foundation, determining a mobility of the manipulating device in all the senses.

These features are part of the combination of features of the originally filed independent claim and therefore are presented as essential in the disclosure of the invention/indispensable as such for the function of the invention in the light of the technical problem which it seeks to solve.

The deletion of these features introduces subject-matter which extends beyond the content of the application as filed, contrary to Article 19(2)/Article 34(2)(b) PCT.

Since the features of claim 3 are included in claim 1, claim 3 claims a redundant content.

In view of the objection according to Article 34(2)(b) PCT and in view of claim 1 filed with the letter dated 15.01.2004, the basis for the reasoned statement under Rule 66.2(a)(ii) is claim 1 as originally filed in combination with claim 3 as originally filed in two part form based on document US-A-4302144 (D1) and claim 6 as filed with the letter dated 15.01.2004.

Re Item V

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/ES02/00559

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Document US-A-4302144 (D1) is considered forming the closest prior art.

From D1 there is known a

lathe with pieces manipulating device, of the kind that includes at least a horizontal head, and at least a tool-bearing, including means for the manipulation of the pieces to be machined, in the incorporation and collection of the same, wherein on the upper part of the structure of the machine bench at least a trolley is situated, incorporated in assembly on some longitudinal guides, making up the mentioned trolley at least a manipulating device for the handling of the pieces (6), in disposition of the mentioned manipulating device in rotary or tilting assembly on a support, which is situated in vertical moving assembly respect to the trolley, while the trolley itself is incorporated in transverse moving assembly on a foundation, determining a mobility of the manipulating device in all the senses.

The subject-matter of the independent claim differs therefrom in that the tool-bearing is a turret instead of a cross-slide and in that the tool-bearing turret is situated on the same trolley holding the manipulating device, for the machining of the pieces.

The effect of the combination with these distinguishing features is to be seen in that with only one manipulating means the tools and the workpieces are handled.

Also DE-A-4022458 does not show such a configuration of the handling device.

-11-

C L A I M S

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5
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1. Lathe with pieces manipulating device, of the kind that includes at least a head (2), and at least a tool-bearing turret (13), incorporating on longitudinal guides (5) at least a trolley (6) holding a manipulating device (7) for the incorporation and collection of the pieces (3) to be machined, characterized in that a tool-bearing turret (13) is situated on the same trolley (6) holding the manipulating device (7), for the machining of the pieces (3).

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6. Lathe with pieces manipulating device, according to the first claim, characterized in that the head (2) is situated fixedly on the structure (1) of the lathe bench, establishing the actuation of the mentioned head from independent activation means (15) by a transmission (16).